

1 A December.

2 Q December?

3 A Um-hum, '96.

4 Q You have to answer yes or no.

5 A Yes.

6 Q Do you recall early December, mid December?

7 A No, I don't remember.

8 Q Back in 2001 you were asked a similar question
9 and you answered it was a couple of weeks before she
10 died. Does that sound accurate?

11 A Yes.

12 Q And did you hook up with him when he got back
13 into town?

14 A Yes.

15 Q At some point he being Kazar, Mr. Williams,
16 told you that he thought Iris had turned him in or set
17 him up, correct?

18 A No.

19 Q Let me refer you to page six of the grand jury
20 testimony. If you could review that for me. 13
21 through 25, just read it to yourself.

22 A Yep.

23 Q What does that indicate?

24 A It says that he said he thought Iris might have
25 set him up.

1 Q And that Iris had turned him into crime
2 stoppers or something like?

3 A That's what it says.

4 Q That's what you said back if 2001, correct?

5 A Yes.

6 Q When you had been at your mother's and her
7 house burned and you ended up with Iris or at Iris and
8 Cuzzo's apartment --

9 A Yes.

10 Q -- from your testimony I gather that you
11 were -- Kazar was not living there with you but he was
12 spending the nights?

13 A Right.

14 Q Mr. McCormack talked about these mattresses and
15 showed you that picture. Were the mattresses in the
16 living room up against the wall? That's what you were
17 sleeping on?

18 A Yes.

19 Q You would get those down and you and Kazar
20 would sleep on that?

21 A Yes.

22 Q You knew Iris to have a gun?

23 A Yes.

24 Q And where did she keep that gun?

25 A She had like a little bookshelf in the bedroom,

1 a little alcove.

2 Q If I could refer you to page 10 of your
3 testimony, just the bottom part maybe 21 to 25.

4 A Okay. It was just an open space.

5 Q So a closet off the steps is how you described
6 it back then?

7 A Back then it was fresh in my memory.

8 Q I understand that. You knew Kazar to carry a
9 gun?

10 A Yes.

11 Q You knew Kazar to carry more than one gun?

12 A Yeah.

13 Q I'm still confused about when you talked to
14 Iris and she told you that she was putting Tyshaunt's
15 stuff out. You believe that was after you had left,
16 correct?

17 A Yes.

18 Q And you had left that prior weekend?

19 A I think it was a Friday. When I went to work I
20 didn't go back to her house.

21 Q Now, you said you had to leave because you
22 weren't -- well, because her sister was coming into
23 town?

24 A Um-hum.

25 Q You have to answer yes.

1 A Yes.

2 Q And you told the grand jury you had had an
3 argument by the time you left?

4 A It was around that time. It could have been
5 that weekend after I left. It was ten years ago. I'm
6 not real sure of the sequence.

7 Q I understand. But back in 2001, obviously
8 earlier than today, you indicated to the grand jury
9 that we had been at her house, me and Kazar, and had an
10 argument by the time I left. Do you recall saying
11 that?

12 A Okay, yes.

13 Q And by that Monday you weren't speaking?

14 A Right.

15 Q But she called you at work?

16 A I called her. It should have been I called
17 her. We had another argument. In that conversation
18 that's when it was said.

19 Q Your grand jury testimony on page 15, if you
20 could just look at that page, probably from lines 10 to
21 the end.

22 A I called her. I was working a temp job. She
23 didn't have a number to call me.

24 Q You would agree though in your grand jury
25 testimony you stated that she called you?

1 A Right.

2 Q And that was the last time you would have
3 talked to her, correct?

4 A Right.

5 Q At that time when you talked to her she had
6 already told you that she had put his stuff out?

7 A Was putting his stuff out.

8 Q Okay. You had a fight with her on Monday.
9 You talked -- you had a fight with her. You had talked
10 to her on Monday. When she called your job you had
11 more words, correct?

12 A Yes.

13 Q But at that time she said she was packing his
14 stuff up and putting it out?

15 A Right.

16 Q You think Iris was afraid of Kazar, correct?

17 A I don't know.

18 Q Page 20 of your grand jury testimony, once
19 again lines 6 through 9. Back in 2001 when you
20 testified to the grand jury you were asked if you
21 thought Iris was afraid of Kazar, correct?

22 A I guess it states there that I think she might
23 have been.

24 Q It's more than that. Your answer was, yes, she
25 said she was, correct?

1 A Yes.

2 Q Do you recall how you described Iris back then?

3 A It says that I said she was feisty. She was a
4 fighter.

5 Q She would try to fight someone off?

6 A She wasn't going to let anybody do anything to
7 her.

8 Q When you were staying with Iris, she had
9 already bought gifts for her daughter, Brittany,
10 correct?

11 A Correct.

12 Q And they were in the living room with the
13 Christmas tree?

14 A Right.

15 Q And after her death you had heard a lot of
16 things about this case on the street?

17 A Yes.

18 Q In fact, one of the things you told the grand
19 jury --

20 MR. McCORMACK: I object to anything she heard
21 about, Your Honor.

22 THE COURT: Sounds like it to me, Mr. Muller.

23 MR. MULLER: Okay. I'll go back.

24 BY MR. MULLER:

25 Q At one point when you were with Kazar he tried

1 to strangle you; is that correct?

2 MR. McCORMACK: Objection, Your Honor.

3 THE COURT: Approach.

4 (The following discussion is held at sidebar:)

5 MR. MULLER: He had the pathologist go into
6 great detail how this victim was strangled, about the
7 breaking the bone in the neck, the ligature, the
8 strangulation, whatever it was, a hand or something
9 else. This is our other suspect. She got a PFA
10 against him because he strangled her.

11 MR. McCORMACK: This is not relevant to this
12 case at all. It's not relevant to this case at all.
13 You said that's not coming in.

14 THE COURT: I'm not so sure I said that in the
15 context of this testimony.

16 MR. McCORMACK: Because she didn't --

17 THE COURT: Not knowing at that time that the
18 pathologist was going to mention strangulation as he
19 did, I don't know, why isn't it relevant? If their
20 position is, I mean, let's not put too fine a point on
21 it. I don't know. You don't know exactly where the
22 Defendant is going in the defense, as I suspected, says
23 he didn't do it. Period. A lot of stuff we've been
24 hearing is not terribly relevant. He said he wasn't
25 there. In this case I think it's relevant. I didn't

1 do it. Someone else must have. There's no question we
2 have a deceased victim, who was the victim of a violent
3 attack. There's already been mention that this other
4 individual was in the residence at or shortly after the
5 time of death although we never established that either
6 frankly, but I think it's relevant.

7 (The discussion at sidebar is concluded.)

8 THE COURT: Objection overruled. Restate the
9 question again.

10 THE WITNESS: Can you repeat the question?

11 BY MR. MULLER:

12 Q You had reported or testified to the grand jury
13 that Kazar had strangled you one time?

14 A Correct.

15 Q That's correct?

16 A Correct.

17 MR. MULLER: That's all I have.

18 THE COURT: Any redirect?

19
20 REDIRECT EXAMINATION

21
22 BY MR. McCORMACK:

23 Q That was before December of 1996, correct?

24 A Correct.

25 Q And in December of 1996 you and Kazar were back

1 together?

2 A Correct.

3 Q The phone call that -- about Kazar, you said
4 there was some conversation, I think Mr. Muller pointed
5 out to you in the transcript, about Iris snitching on
6 him or something like that. Did he ever make a big
7 deal of that, I'm going to get her or anything like
8 that?

9 A No.

10 Q And Iris allowed him to come live in her home?

11 A Correct.

12 Q The conversation you had with her about this
13 Defendant --

14 A Correct.

15 Q -- when did that take place in relationship to
16 her death, the one you had over the phone?

17 A It would have been that Monday, a few days
18 before her death.

19 Q It was a few days before her death?

20 A Um-hum.

21 Q You have to say yes or no.

22 A Yes.

23 THE COURT: Thank you.

24 MR. McCORMACK: I have nothing further.

25 MR. MULLER: Just briefly.

1 RE CROSS EXAMINATION

2
3 BY MR. MULLER:4 Q So after he strangled you you got back together
5 with him?

6 A Correct.

7 Q Are you still together with him?

8 A No.

9 Q You had stated earlier Iris was afraid of
10 Kazar?

11 A I was afraid of him.

12 Q That's not the question. You stated earlier --

13 A She stated that she was afraid of him?

14 Q Yes. And at one point you were asked if --
15 certainly if that was the case why did she let him or
16 you to come live there? Do you remember that?

17 A I'm sorry?

18 MR. MULLER: The Court's indulgence.

19 BY MR. MULLER:

20 Q Page 21 of the grand jury --

21 THE COURT: I did not understand the question
22 you asked either. Would you rephrase it?

23 MR. MULLER: Sure.

24 BY MR. MULLER:

25 Q If Iris was afraid of him, why did she let him

1 come stay with you?

2 A I don't think she was afraid of him just
3 something she just stated. If she was afraid of him
4 why would she let him back into her house?

5 Q Do you recall it was because she was your
6 friend and you were dating him?

7 A No, I don't recall it, but I'm sure it's there.

8 Q I don't want to put words in your mouth. Look
9 at page 21 lines 23 down to the top of the next page.

10 A Yes. That's what it says. I can't answer that
11 because she let him come in her house.

12 Q And you were always in the house when he was
13 there?

14 A Correct.

15 MR. MULLER: Thank you.

16 THE COURT: Anything else of this witness?

17 MR. McCORMACK: No, Your Honor.

18 THE COURT: Thank you, Ms. Mills. You may step
19 down.

20 MR. McCORMACK: At this time I call Kwajalyn
21 Jackson.

22

23 KWAJALYN JACKSON,
24 having been sworn, was examined and testified as
25 follows:

DIRECT EXAMINATION

BY MR. McCORMACK:

Q Could you please state your name?

A Kwajalyn Jackson.

Q Spell your first name.

A K-W-A-J-A-L-Y-N.

Q Now, you're testifying. The court reporter is trying take down everything you say. Try not to be too fast.

A Okay.

Q Iris Fennel or Iris Belcher, how do you know her?

A Iris Fennel, she was my sister.

Q Were you older or younger than her?

A I'm the oldest out of eight.

Q Back in 1996 when Iris was killed, where were you living?

A In Milwaukee.

Q Did you have any plans in the time frame around December 20th or Christmastime that would have brought you back to Harrisburg?

A On December 19 I was supposed to come here back to Harrisburg to stay with Iris for a couple of days, and I woke up on the 19th and I took a couple of days

1 off of work and I just didn't feel like coming. I just
2 kind of stayed at home and lounged around the house. I
3 talked to her later on. I told her I would be there
4 Friday or Saturday.

5 Q On the 19th you never came to Harrisburg?

6 A No.

7 Q Now, are you familiar with the Defendant,
8 Tyshaunt Love?

9 A Yes.

10 Q How did you know him?

11 A That was my sister's boyfriend.

12 Q Could you describe the relationship between --
13 were you familiar with the relationship between
14 Tyshaunt Love and your sister?

15 A Yes. I was living in Hall Manor before I went
16 to Milwaukee and Iris was staying with me.

17 Q Staying with you?

18 A Yes, me and my son.

19 Q Were they dating at the time?

20 A Yes.

21 Q And what time frame are we talking about here
22 when you were at Hall Manor?

23 A February, March.

24 Q 1996?

25 A Yes.

1 Q And when Iris was living with you in Hall
2 Manor, can you tell us what was happening?

3 A Well, yeah, Iris and I had just met him with
4 a -- that's when she first started going with him.

5 Q Did you know his full name?

6 A I knew him as Cuzzo.

7 Q So you had just met him and Iris was staying at
8 your house. Did any incident occur?

9 A Yes, he was very possessive of Iris. He
10 wouldn't argue in front of me because he knew that I
11 wouldn't --

12 MR. MULLER: Objection to what my client knew
13 or didn't know.

14 THE COURT: That's speculation.

15 BY MR. McCORMACK:

16 Q Would you have tolerated that in your home?

17 A No. He came in one time, him and her were
18 arguing and I was upstairs and I heard it. I heard
19 both of them. I came down the steps and I told Cuzzo
20 he had to get out of my house. He wasn't going to be
21 arguing with my sister in front of me. So he left.
22 Well, he went outside and Iris called him to the door.
23 They said whatever they had to say, and she came back
24 in and called a cab for both of them to leave.

25 Q How about would you ever see him without Iris?

1 A No.

2 Q You heard about your sister being involved in
3 the drug trade, haven't you?

4 MR. MULLER: Objection. Leading.

5 THE COURT: Mildly, yes, it is, but I'll allow
6 it.

7 BY MR. McCORMACK:

8 Q Have you heard about your sister being in the
9 drug trade?

10 A No, I didn't.

11 Q Were you aware of her being involved in selling
12 drugs or anything like that?

13 A No, I wasn't.

14 Q And your sister never mentioned anything to you
15 about that?

16 A No.

17 Q Now --

18 MR. McCORMACK: Could I have a moment, Your
19 Honor?

20 THE COURT: Sure.

21 BY MR. McCORMACK:

22 Q Do you know Iris's home on McCleaster Street?

23 A Yes, I did.

24 Q Is that where you were going to be staying on
25 the 20th?

1 A Yes.

2 Q And were you ever aware of Iris having a gun?

3 A I'm sorry?

4 Q Were you ever aware of Iris having a gun?

5 A Yes.

6 Q Do you know where she would have kept that gun?

7 A Beside the stove there was a hole in the wall,
8 and it was on the side of the stove. That's where she
9 kept it.

10 Q Now, did you ever have any conversations with
11 Iris concerning -- and I'm talking close in time to
12 when you planned on coming to visit --

13 A Yes, I talked to her that day.

14 Q Did you have any conversations with her about
15 her relationship with the Defendant?

16 A He wasn't supposed to be there when I arrived.
17 A couple of weeks before I was living in Milwaukee we
18 spoke on the phone. They weren't getting along at all
19 and because he was very controlling, and Iris didn't
20 like that. So she told me that she was breaking it off
21 with him and she had said that he was supposed to have
22 all his stuff out of the house by the time I arrived to
23 the apartment.

24 Q Did you ever witness -- you talked about the
25 arguing in your house, any other arguing between the

1 two of them?

2 A That particular argument Iris left and like an
3 hour later she called me and said she was coming to the
4 house. When she came to the apartment she had a slap
5 mark on the side of her face. I already knew where it
6 came from and she said --

7 MR. McCORMACK: You can't speculate. You can't
8 speculate.

9 BY MR. McCORMACK:

10 Q She came home with a slap mark on her face?

11 A Yes. I asked her -- I knew it came from Cuzzo.

12 MR. MULLER: Objection.

13 THE COURT: I'm not sure I understood that
14 answer. You speculated it did?

15 THE WITNESS: She told me but I already knew.

16 BY MR. McCORMACK:

17 Q Were there any statements that you ever heard
18 from the Defendant concerning -- you say he was very
19 possessive. Was there ever anything he said that lead
20 you to believe that?

21 A Well, coming from my sister, she said that he
22 said --

23 MR. MULLER: Objection.

24 THE COURT: That's not the question. The
25 question was, did you ever hear anything from the

1 Defendant?

2 THE WITNESS: No, I don't speak to him.

3 BY MR. McCORMACK:

4 Q The person that you were describing as her
5 boyfriend, is he present in the courtroom today?

6 A Yes.

7 Q Can you point him out for us?

8 A (The witness complies.)

9 Q Could you describe what he's wearing?

10 A I don't know if it's a white or bluish shirt,
11 glasses.

12 MR. McCORMACK: For the record, may the record
13 reflect she pointed out the Defendant?

14 THE COURT: Yes.

15 MR. McCORMACK: They are all the questions I
16 have.

17

18 CROSS EXAMINATION

19

20 BY MR. MULLER:

21 Q How long have you been in Milwaukee?

22 A Three months.

23 Q Now, were you coming back for the holidays?

24 A No. I was just coming back to visit my sister
25 because she missed me. I hadn't been back since I

1 left.

2 Q And were you going back to Milwaukee after
3 that?

4 A Yes, I was.

5 Q How long were you planning to be in Harrisburg?

6 A Until that Monday -- Thursday to Monday, I took
7 off three days of work.

8 Q So you stated that you talked to her that day,
9 the 19th, when you were supposed to come down?

10 A Yes.

11 Q When did you talk to her on the 19th?

12 A Early in the morning.

13 Q And you called her or she called you?

14 A She called me.

15 Q You already knew at that time you weren't
16 coming down on the 19th?

17 A Yes.

18 Q What was your plan? When were you going to
19 come down?

20 A I told her that Friday or Saturday morning.

21 Q Were you flying in?

22 A No.

23 Q Bus?

24 A Train.

25 Q Train. When you had these conversations with

1 her -- let me rephrase that. You talk about incidents
2 when they were arguing in your house or your apartment.

3 A Correct.

4 Q And you've been in Milwaukee for three months.
5 When did that occur?

6 A When I was living in Hall Manor.

7 Q And when was that?

8 A Around February, March. This was when I
9 first -- when I was introduced to Tyshaunt.

10 Q February, March of 1996?

11 A Correct.

12 Q And that's when this argument would have taken
13 place?

14 A Yes.

15 Q Did you have a lot of contact with your sister?

16 A Yes.

17 Q I mean, like talk to her every day?

18 A Not every day. You mean when I went to
19 Milwaukee?

20 Q Before that.

21 A Yes, she lived with me.

22 Q When did she live with you and for how long?

23 A I was in Hall Manor for seven months. She
24 lived with me for seven months off and on. All her
25 belongings and everything was there.

1 Q You indicated you were in Milwaukee for three
2 months so you went in August or September, correct?

3 A Correct.

4 Q And prior to August or September, she was
5 living with you?

6 A When I was living in Hall Manor she lived with
7 me. When I left Hall Manor I was in Milwaukee. I was
8 in Milwaukee when I left Hall Manor.

9 Q Was she still in Hall Manor?

10 A No. I was living there. She was living with
11 me.

12 Q She stayed with you?

13 A Yes.

14 Q How often would she stay with you?

15 A Out of the week I would say about three or four
16 days. When she didn't she just came and took a shower,
17 got her stuff together and she stayed I guess with her
18 boyfriend.

19 Q She had other places to stay?

20 A Correct.

21 Q When prior to the 19th when had you last talked
22 to Iris?

23 A I spoke to her at least three, four, five times
24 a week.

25 Q So had you talked to her the day before?

1 A I'm not sure.

2 Q You talked to her some time that week?

3 A Yes, because, like I said, I was supposed to
4 come down so of course we kept in contact.

5 Q Had she told you when you talked to her on 19th
6 that there was -- would be room for you because she
7 wanted him out of the house?

8 A She did tell me that on the 19th. When I was
9 arriving she said he would not be there, that he was
10 moving his stuff out.

11 Q He was moving his stuff out?

12 A Correct.

13 Q Is that when she told you that -- she had been
14 telling you that for how long?

15 A For a couple of weeks prior to that.

16 Q How long have you been planning this trip or
17 how long has that been planned for you to come down?

18 A It wasn't really planned. She called me maybe
19 a week before and she said she wanted me to come down
20 and she missed me and I told her I would.

21 Q She told you she was upset with Mr. Love
22 because she thought he was messing around with someone
23 else?

24 A I never said that, no.

25 Q Do you recall speaking to the police back in

1 2001?

2 A Yes.

3 Q And, well, have you talked to the police since
4 2001?

5 A Yes.

6 Q Are you we talking recently because of this
7 trial?

8 A Recently because of the trial --

9 Q Several years ago or anything like that?

10 A No.

11 Q 2001 was the only time you talked to the police
12 when they interviewed you?

13 A When they interviewed me, correct.

14 Q And that's the first time you talked to them
15 about Iris's death?

16 A Correct.

17 Q You knew where she kept the gun, right?

18 A Yes.

19 Q She showed it to you?

20 A No.

21 Q Someone else showed it to you?

22 A No.

23 Q You found it?

24 A She told me that she had a gun and she told me
25 exactly where she had it.

1 Q She wasn't making a secret out of it?

2 A Not to her sister, no.

3 Q During the same conversation, I guess on the
4 19th according to your testimony, she told you -- well,
5 do you know who LaQuan Williams is?

6 A Yes.

7 Q Do you recall telling the police that he had
8 stopped by and asked for money that day?

9 A No.

10 Q You don't recall telling them that he knew she
11 had told on him and she had to give him some money?

12 A No.

13 Q I know you talked to Iris a lot. How often
14 were Iris and Tyshaunt around you?

15 A Quite often when she lived with me. Like I
16 said, he didn't stay at the house but he came there
17 with her quite often because it was just about always
18 with her.

19 MR. MULLER: That's all I have.

20 MR. McCORMACK: No further questions.

21 THE COURT: I have one. Have you ever been in
22 the apartment where Iris lived?

23 THE WITNESS: Yes.

24 THE COURT: You had come back from Milwaukee at
25 some point prior to December?

1 THE WITNESS: Correct.

2 THE COURT: All right.

3 MR. MULLER: If I could follow up on that.

4

5 RECROSS EXAMINATION

6

7 BY MR. MULLER:

8 Q The three months you were in Milwaukee, you had
9 been back through that period?

10 A In the beginning because my son was here. I
11 seen Iris's apartment. I was there for a month before
12 I came back.

13 Q You say in the beginning, that August,
14 September period?

15 A When she first got her apartment.

16 MR. MULLER: Nothing further.

17 THE COURT: Anything else?

18 MR. McCORMACK: Nothing further, Your Honor.

19 THE COURT: You may step down.

20 MR. McCORMACK: Tamara Williams.

21

22 TAMARA WILLIAMS,

23 having been sworn, was examined and testified as
24 follows:

25

DIRECT EXAMINATION

BY MR. McCORMACK:

Q Can you tell me your name?

A Tamara Williams.

Q Tamara, how do you know Iris Fennel?

A Iris is my older sister.

Q How much of a difference was there between the two of you?

A Two years.

Q Now, how old was your sister when she died?

A Twenty years of age.

Q Would you hang around your sister in the time period before she died?

A Quite often.

Q Were you aware, did you have any knowledge of her ever having any money, how she got her money or anything like that?

A Yes.

Q How would she get her money?

A She would sell drugs to get her money.

Q And you knew about that?

A Yes.

Q Did you ever have any conversations with her about that and the possibility of you being involved in

1 that?

2 A Yes.

3 Q What was that about?

4 A Iris always had a lot of money, and at that
5 time I didn't have any. When I asked her how did you
6 get it, that's when she told me she was selling drugs,
7 and I asked her can I join her. Can I sell some for
8 her? And she looked at me dead in my eyes and told me
9 absolutely not.

10 Q She wouldn't let you sell for her?

11 A No.

12 Q Now, do you know the Defendant in this case,
13 Tyshaunt Love?

14 A Yes, I do.

15 Q How did you know him?

16 A He was Iris's boyfriend.

17 Q And were you familiar with the type of
18 relationship that Iris -- do you know him by any name
19 other than Tyshaunt Love?

20 A Cuzzo.

21 Q Did you ever know him as Tyshaunt Love?

22 A No.

23 Q When did you first meet Cuzzo?

24 A When I went to Iris's house on McCleaster
25 Street he was there and Iris introduced me to him.

1 Q Were you aware of the relationship? Could you
2 describe their relationship to the jury?

3 A Their relationship was quite tight. What I
4 mean by that, they were always together. I heard them
5 argue, but only minor, but they were always together,
6 and he was always quiet. It was usually me and Iris
7 talking. He was quiet. He would be behind her or
8 beside her. Every time I seen Iris I seen Cuzzo.

9 Q Were there any times when he was looking for
10 Iris?

11 A Yes.

12 Q Tell me about that.

13 A He came to my house looking for my sister and
14 his eyes was really big and he was excited. He was
15 asking me if I knew where Iris was, and I immediately
16 got afraid because I thought something may have been
17 wrong with her. So I said, no, I don't where she's at,
18 but I'll help you go look for her. We would go look
19 for her. This would be about 2 or 3:00 in the morning.
20 He did this four or five times. Each time I would go
21 with him and look for my sister. We usually find her
22 on the block or at home sleeping.

23 Q So he would come over to your house looking for
24 Iris?

25 A Yes.

1 Q Not knowing where she was?

2 A Right, yes.

3 Q Would she ever confide in you about any
4 problems she would have with Cuzzo?

5 A She told me one time when I asked her to come
6 pick me up for a ride, she told me one time that he had
7 hit her after I had noticed a big black eye.

8 Q Around what time frame are we talking about
9 when you noticed that black eye?

10 A It was in November because my birthday is in
11 that month, and it was a couple of days before my
12 birthday.

13 Q November of which year?

14 A Of 1996.

15 Q Same year Iris died?

16 A Yes.

17 Q Just so we're clear on the record, the person
18 you're referring to as Cuzzo, is he present in the
19 courtroom?

20 A Yes, he is.

21 Q Point him out and tell us what he's wearing.

22 A He's right over there and he's wearing --

23 MR. MULLER: We'll stipulate she's pointing to
24 Mr. Love.

25 THE COURT: Thank you.

CROSS EXAMINATION

BY MR. MULLER:

Q Ms. Williams, do you recall talking to the police back when this happened?

A Yes, I do.

Q Do you recall who you talked to?

A No, I do not recall who I spoke with when I came down to the Harrisburg Police Department.

Q Was that the same day though, do you remember, that they discovered Iris?

A No.

Q When was the last time you had spoken to Iris?

A I had spoken to Iris about a week before she passed away and she was crying over the telephone.

Q When? That's all I'm asking. A week before?

A Yes.

Q You had tried to call her on the 19th, correct?

A Yes.

Q More than once?

A Yes.

Q And did you ever talk to her?

A No.

Q Do you recall what times you might have called her on the 19th?

1 A Between 11 and 12 midnight.

2 Q 11 p.m.

3 A Yes.

4 Q Do you recall telling the police that you
5 called her approximately three times, 8:00, 10:00 and
6 1 a.m. on the 20th?

7 A I don't recall.

8 Q You agree your memory would have been a lot
9 fresher that day, correct?

10 A I'm sorry?

11 Q We're almost nine years later. You would agree
12 back in 1996 your memory was pretty fresh?

13 A Yes.

14 Q After -- where was your house or apartment?

15 A I was staying on Derry Street.

16 Q Where on Derry Street?

17 A 1221 Derry, with a friend.

18 Q Where was that in relation to McCleaster Street
19 where Iris was living?

20 A Approximately ten blocks right and a block from
21 13th and Market where Iris normally hung out.

22 Q You would describe your sister as pretty
23 independent?

24 A Yes.

25 Q Now, you spoke to the police in 1996 and then

1 you spoke to them again in July of 1999. Do you recall
2 that?

3 A I don't recall the dates, but I do recall
4 speaking to them a number of times.

5 Q Do you recall giving a statement that you
6 signed?

7 A Yes, I do.

8 Q When -- let me go back to 1996. You didn't
9 tell the police any of this about Mr. Love, did you?

10 A Yes, I did.

11 Q You did. Who did you tell? Do you remember?

12 A No. I spoke with -- I'm sure I spoke with the
13 detective and I was telling him everything I knew at
14 that point.

15 Q Do you recall telling one detective that after
16 talking about the phone calls you could offer nothing
17 additional?

18 A I'm sorry?

19 Q Back in 1996 -- let me rephrase it. I think we
20 know that you talked to a police officer, detective,
21 and told him you had tried to call your sister three
22 times?

23 A That's correct.

24 Q Is that the same one that you talked to about
25 Mr. Love and the relationship?

1 A I don't recall.

2 Q On that day did you talk to more than one
3 police officer?

4 A Yes.

5 Q When it says 1996 you told what you told us
6 today to a police officer?

7 A Yes.

8 Q When you gave the statement in 1999, did you
9 ever say anything about Tyshaunt coming over to your
10 house and looking for Iris?

11 A Yes.

12 Q I'm going to ask you to look at this and if you
13 could tell the Court what it is, if you recollect.

14 A This is my signed statement.

15 Q Back then you signed it. You had a chance to
16 review it, correct?

17 A That's correct.

18 Q If you could just look through there briefly
19 and tell me where you told them that Tyshaunt had come
20 to you four or five times looking for Iris.

21 A It's not in the statement. As I said, I spoke
22 to several detectives and gave a statement.

23 Q The statement that you actually gave and signed
24 in 1999 where in there did you tell them that Tyshaunt
25 had come to you a number of times looking for your

1 sister in the middle of the night?

2 A I don't see it in the statement.

3 Q Thank you. How did you end up talking to the
4 police in 1999?

5 A I came down to the police department.

6 Q Why July 13, 1999?

7 A I wanted to find out what was going on with my
8 sister's case.

9 Q Is that the first time since 1996 you had gone
10 to check on it?

11 A No.

12 Q And do you recall how you came to giving a
13 statement?

14 A I was asked to.

15 Q You came down on your own. You weren't brought
16 down?

17 A I believe I came down for my brother one time.
18 I came down with my mother one time, and I believe I
19 came down by myself a couple of times.

20 Q Were you in Dauphin County Prison back then?

21 A In 1996 or...

22 Q 1999, summer of 1999.

23 A It's possible.

24 Q Had you been picked up on June 24, 1999 by the
25 police?

1 A It's possible, yes.

2 Q And had you been committed to Dauphin County
3 Prison?

4 A Yes.

5 Q When did you get out?

6 A I'm not too sure.

7 Q You had a parole violation too, correct?

8 A That is correct.

9 Q You were held on a parole violation?

10 A That's correct.

11 Q When did you end up going before a judge for
12 your parole revocation?

13 A I don't recall.

14 Q You were in for more than a couple of weeks?

15 A I think it was about three weeks was the
16 longest.

17 Q So was it during that time you talked to the
18 police?

19 A No.

20 Q If you were in for about three weeks you gave
21 the statement on July 13 you were arrested on June
22 24th, what happened? You got out of Dauphin County
23 Prison went right to the police?

24 A Yes; probably not right to the police, but I
25 went to the police.

1 Q And it had nothing to do with you being
2 arrested?

3 A No.

4 Q You said your sister wouldn't let you sell
5 drugs?

6 A That's correct.

7 Q What were you in prison for?

8 A I never went to prison. I was in --

9 Q That's a prison. Dauphin County Prison is a
10 prison.

11 A I went to jail for forgery, a lot of assaults
12 and...

13 Q And drug charges, correct?

14 A That's not correct.

15 Q Back in 1999, June 24th, you weren't arrested
16 for possession?

17 A I don't recall, no.

18 Q What were you on parole for?

19 A Forgery, probation.

20 Q This time you said that your sister came to
21 your house, I think you said with a black eye?

22 A Yes.

23 Q Was anyone else in the house at that time?

24 A My smaller sisters and my grandmother.

25 Q Would they have seen Iris's tattoo?

1 A No. She never got out of the car. She beeped
2 the horn and I came out.

3 Q Was anyone in the car with her?

4 A No.

5 Q Day, night, nighttime?

6 A Day time.

7 Q She beeped the horn and you went down to the
8 car?

9 A Yes.

10 Q In your statement in 1999 you told the police
11 that you went to your sister's house and saw her with a
12 back eye and that's when she told you.

13 A I remember because it was close to my birthday
14 and I asked her to come to my home.

15 Q It was -- when is your birthday?

16 A November 15th.

17 Q I'm going to show you page 3 of your statement
18 towards the top. Just look at the highlighted section
19 and read it to yourself.

20 A Yes.

21 Q What does that say?

22 A It said that I went to her house. This was a
23 different time. It wasn't the same time when they came
24 out to my house.

25 Q There were two times. Did you tell police

1 about more than one time?

2 A I told the police what they asked me.

3 Q You told the police what they asked you?

4 A Yes.

5 Q You were talking to the police about the
6 relationship between your sister and Tyshaunt?

7 A That's correct.

8 Q Look over your statement again and show me in
9 there where you said anything else about your sister
10 having a black eye.

11 A As I said before, I made numerous statements
12 and I went down to the police department numerous
13 times.

14 Q That's not the question.

15 A It's in the statement.

16 Q There's nothing in the statement you gave in
17 1999 about any other incident, is there? Yes or no.

18 A I'm sorry?

19 Q There's nothing in the statement about any
20 other incident, is there?

21 A In that statement?

22 Q In this statement.

23 A Not in that statement, no.

24 Q This is the only statement you gave that you
25 signed and adopted as your own, correct?

1 A No, that's not the only statement.

2 Q Did you give another recorded or written
3 statement that you signed?

4 A Yes.

5 Q You did. When was that?

6 A I'm sure in '96, '97. It was numerous times
7 that I went down to the police department, and there
8 was numerous times where I made a statement. They were
9 asking me questions and I answered them and I signed.

10 Q You signed something like that. And you signed
11 your statements then too.

12 A Yeah.

13 Q Did you tell the police about your sister
14 having a black eye when you talked to them in 1996?

15 A Yes.

16 Q You did. Okay. Just to clarify, you had last
17 spoken to your sister a week before?

18 A Yes.

19 MR. MULLER: Nothing further.

20 THE COURT: Redirect? One moment, please.
21 Anything further Mr. McCormack?

22 MR. McCORMACK: Yes.
23
24
25

REDIRECT EXAMINATION

BY MR. McCORMACK:

Q The person that your sister said gave her the black eye, who was that again?

A Cuzzo.

Q And you're sure of that?

A I'm positive of that.

Q When did that occur?

A Some time in November, a couple of days before my birthday.

MR. McCORMACK: No further questions.

RE CROSS EXAMINATION

BY MR. MULLER:

Q You're sure of that. Just as you're sure as you gave other written statements to the police, correct?

A Correct.

MR. MULLER: Nothing further.

THE COURT: All right. Thank you.

MR. McCORMACK: At this time I call Daelene Saez.

THE COURT: While she's entering the courtroom,

1 can I see counsel, briefly?

2 (A discussion is held at sidebar off the
3 record.)

4
5 DAELENE SAEZ,
6 having been sworn, was examined and testified as
7 follows:

8
9 DIRECT EXAMINATION

10

11 BY MR. McCORMACK:

12 Q Could you please state your name for us?

13 A Daelene Saez.

14 Q And how do you spell your name?

15 A D-A-E-L-E-N-E, S-A-E-Z.

16 Q Do you know Iris Fennel?

17 A Yes.

18 Q How long have you known Iris?

19 A For years.

20 Q For years?

21 A Yes.

22 Q How old do you think you were when you met her?

23 Let me ask you this, how did you meet her?

24 A I actually met her through Johanna. Johanna
25 used to work with my mother at the post office, and

1 Johanna, you know, is Brittany's grandmother so that's
2 how I met Iris.

3 Q Did you know the Defendant in this case?

4 A Yes.

5 Q Tyshaunt or Cuzzo, how do you know him?

6 A I met him through the New York crew. The New
7 York crew we used to call them. All guys from New York
8 used to hang together.

9 Q Do you know how Iris and Cuzzo met?

10 A Just pretty much seeing each other. We used to
11 hang with the guys from New York so in one of those
12 gatherings.

13 Q Do you remember what the gathering was? You
14 said we hung with the guys from New York. Who knew
15 Cuzzo first, you or Iris?

16 A I met him first. I met him through Cliff and
17 Stan, two other guys from New York who he used to
18 associate with.

19 Q Do you know where you were when the two of them
20 met? Were you present when the two of them met?

21 A Honestly I don't remember.

22 Q Did you after they met see their relationship
23 grow in any way?

24 A Yeah. We hung out together all the time.

25 Q Did they ever get into more than hanging out

1 together?

2 A Dating, boyfriend and girlfriend, live in
3 companions.

4 Q When you would see Iris and Cuzzo, where would
5 you see them?

6 A Out on the block by my house on Market Street
7 wherever we would meet up.

8 Q Where was your house?

9 A 15th and Derry, which is like around the corner
10 from the Olympic bar where we used to hang out.

11 Q Where was the Olympic bar located?

12 A It's actually on Derry. I live off of 15th and
13 Derry. The Olympic is between 14th and 15th Street in
14 between those two streets and I live on 15th.

15 Q Did you ever see the two of them have any
16 problems in their relationship?

17 A Yeah.

18 Q Could you describe that for us?

19 A They would argue, you know, over accusing
20 somebody else being in the picture.

21 Q What does that mean?

22 A That she's seeing someone else. We would talk
23 on the phone. He wanted to know who she was talking
24 to, how long we'd been on the phone, she was like I got
25 to go. He's here. I got to go. We would hang up.

1 Q Anything else you ever witnessed? Were you
2 ever with her when he would suddenly appear?

3 A Oh, yeah. Well, one instance I had got off of
4 work and we always would meet. She hung up the block
5 and literally see the cab turning down my street. She
6 came to my house to meet me. She was were trying to
7 rush me to hurry up. We was supposed to be up on the
8 block. When we were ready to walk out the door I had
9 to stop, come back in the house. When she opened the
10 door Cuzzo was there. He basically asked what she was
11 doing there. I came to make up. You said you were
12 going to be on the porch. Like there was a red porch
13 we used to hang out. That's what he called the red
14 porch. She's supposed to be there. She wasn't there.
15 I remember him grabbing her from the door. I had two
16 steps similar to this and then my front door. He
17 snatched her up. She basically leaped over the steps
18 and he drug her away. I remember, like, she was
19 walking away and she turned back and she gives me --
20 I'm sorry -- and I remember her giving me the smile and
21 saying I'll be back.

22 Q Was that the only time you ever saw that?

23 A No. It was occasional tussle. I had asked her
24 before if, you know, if there was violence and she
25 never really would say yes, always make excuses.

1 MR. GIUNTA: Objection. Speculation.

2 BY MR. McCORMACK:

3 Q What I mean by my question, you talked about
4 him pulling her out of somewhere.

5 A Yeah. He did that before on the block. We
6 would be sitting there hanging out. She was supposed
7 to be there at a certain time. She wasn't exactly
8 where she would say. He would have a fit pretty much
9 because she wasn't where she was supposed to be.

10 Q Did she ever entrust you with anything?

11 A Yes.

12 Q Do you know what she did for a living?

13 A Yeah.

14 Q What was she doing for a living?

15 A Hustling, selling drugs.

16 Q Were you aware -- go back to the original
17 question. Did she ever entrust you with anything?

18 A Yes.

19 Q What did she entrust you with?

20 A A safe.

21 Q And tell me about that.

22 A I pretty much kept the safe at my house. She
23 told me she needed a safe place to keep it. She didn't
24 trust anybody. I told her she could keep it at my
25 house. We kept it upstairs. At one time she wanted to

1 give me a key. I told her she could keep the keys.
2 That's the only way I would take responsibility, if
3 that safe was missing, the safe would walk out of my
4 house and that was the agreement.

5 Q At any time before she died, did you ever know
6 her being at that safe?

7 A Yes.

8 Q What do you recall?

9 A Earlier that week before she passed.

10 Q Do you know why she was at the safe?

11 A Well, I wasn't there when she was at the safe.
12 She called me at work and she told me she -- I guess
13 her and Johanna -- I'm not sure -- Johanna going out
14 Christmas shopping for Brittany. She needed money. I
15 told her to remember she gave me the safe. She wanted
16 to save money not spend it. She said it's
17 Christmastime. I got to get my daughter stuff. I
18 don't get off until after -- she was like, too late.
19 By then you can go to the house. Just tell my sisters
20 when you leave the house, tell them that you borrowed
21 something and she did. When I got home I said to my
22 little sister, thinking she was snitching, Iris was in
23 your room and took something and so I knew that Iris
24 had came to my house.

25 Q The person that you say came and pulled Iris

1 away, is that person in the courtroom?

2 A Yes, he is.

3 Q Tell me where he is and what he's wearing.

4 A Sitting right there, white or light blue shirt.

5 MR. McCORMACK: Let the record reflect she
6 identified the Defendant.

7 THE COURT: Yes.

8 MR. McCORMACK: Those are all the questions I
9 have.

10 THE COURT: Cross.

11 MR. GIUNTA: Thank you, Your Honor.

12

13 CROSS EXAMINATION

14

15 BY MR. GIUNTA:

16 Q Ms. Saez --

17 A Yes.

18 Q -- you and Iris were sort of best friends?

19 A Yes.

20 Q You've known her for a very long time?

21 A Very long time.

22 Q You would basically trust each other?

23 A Yeah.

24 Q And you indicated that you knew of some
25 problems because Iris and Mr. Love would argue?

1 A Correct.

2 Q And you testified here today that you witnessed
3 him snatching her up?

4 A Correct.

5 Q Could you tell me like when you say he snatched
6 her, what does that mean?

7 A Grab someone against their will and force them.

8 Q Grab her arm?

9 A He didn't grab her arm. He grabbed her coat
10 and snatched her off the step.

11 Q This was outside of your residence, correct?

12 A Correct.

13 Q This didn't occur inside?

14 A No, I was inside. Well, I was at the door.
15 She was leaving the door. When we opened the door he
16 was basically getting ready to knock at the door.

17 Q When this occurred at this time Iris was
18 laughing?

19 A No, she wasn't laughing. She basically, like,
20 it's like a ha, ha, ha, don't embarrass -- he's pulling
21 her up the block. He was telling her, pulling her.
22 You don't have to be snatching me up like that.

23 Q To interpret snatching, you meant she was
24 smiling. Would you use the word laughing?

25 A I'm sorry?

1 Q Would you say smiling?

2 A It was like an okay. I'll put an example, when
3 you're embarrassed, something happens to you, you try
4 to play it off, you're still the one in control of the
5 situation. That's the smile that she gave me.

6 Q And whenever this occurred she told you I'll be
7 back?

8 A Well, she mumbled. I read her lips.

9 Q She pointed actually at the block, that's where
10 she was going?

11 A No. She just looked back at me and said I'll
12 be back.

13 Q You gave a statement to the police, correct?

14 A Yes.

15 Q And do you recall telling the police that she
16 was laughing and said she was would be back silently?

17 A That's what I just said. She said it under her
18 breath. I read her lips.

19 Q Going on the block you indicated that he drug
20 her?

21 A Yeah.

22 Q And how far did this go?

23 A I don't understand.

24 Q How far did he drag her?

25 A That I could actually see them walk up the

1 street. You have to literally turn down the block --
2 actually turn down the alley before you get to the
3 actual corner of 15th and Derry. She actually turned
4 down the alley.

5 Q And at that time do you recall telling the
6 police that you -- when she was going down the block
7 you pointed up the block and she said yes as to where
8 you were going to meet?

9 A I don't recall. We always met down the block.
10 That was our spot. Whenever we broke up the red porch
11 was actually the block where we met.

12 Q You indicated -- don't tell what you
13 speculate -- you indicate that you had seen bruises on
14 her at one time?

15 A Correct.

16 Q And Iris told you that it was from being drunk?

17 A I'm sorry?

18 Q It was from being drunk?

19 A Drugged?

20 Q Drunk.

21 A Intoxicated?

22 Q Yes, intoxicated.

23 A No.

24 Q Do you recall again when you spoke to the
25 police telling them that she had a bruise on her cheek,

1 at one time a couple of bruises on her arm, scrape on
2 the knee, the scrape came --

3 A She always made excuses.

4 Q I don't want you to speculate what it was. Is
5 that what she told you?

6 A Yes.

7 Q Iris would keep money in a safe that you
8 possessed, correct?

9 A Correct.

10 Q And you're one of her oldest friends, she
11 trusted you?

12 A I guess, yeah.

13 Q And you indicated that she had come some time
14 earlier in the week to withdraw money to buy Christmas
15 presents?

16 A Correct.

17 Q And in that group of people, are you aware of a
18 LaQuan Williams or Kazar?

19 A Yes.

20 Q And are you aware that Kazar was staying at
21 Iris's apartment?

22 A I found that out later on.

23 Q And do you recall telling the police that Iris
24 was afraid of Kazar?

25 A Yes.

1 Q And that speaking about him when you said his
2 name, the hair on her arms would stand up?

3 A (Nods head.)

4 Q Just real briefly, you indicated also in your
5 statement to the police that Iris was stressed out
6 about Kazar being in her house?

7 A Yeah.

8 MR. GIUNTA: I have no further questions.

9 THE COURT: Anything further, Mr. McCormack?

10 MR. McCORMACK: Yes, Your Honor.

11

12 REDIRECT EXAMINATION

13

14 BY MR. McCORMACK:

15 Q Did you ever see Iris kind of puffy, bruised
16 eye?

17 A Yes.

18 MR. McCORMACK: No further questions.

19 MR. MULLER: The Court's indulgence.

20

21 RECROSS EXAMINATION

22

23 BY MR. GIUNTA:

24 Q You saw the eye. Did you indicate to the
25 police that Iris said she didn't know what was wrong

1 with her eye?

2 A Yes.

3 MR. GIUNTA: I have no further questions.

4 THE COURT: All right. Thank you very much,
5 Mr. Saez. You may step down. Just one question I
6 have. In 1996 --

7 THE WITNESS: Yes.

8 THE COURT: I'm confused. It's been -- Iris
9 was twenty.

10 THE WITNESS: Um-hum.

11 THE COURT: And you were...

12 THE WITNESS: What year is that? I'm 33 now.
13 I'm older than her.

14 THE COURT: Any further questions?

15 MR. GIUNTA: No, Your Honor.

16 MR. McCORMACK: No, Your Honor.

17 THE COURT: It's a good time for a break, take
18 a mid-afternoon break. You're getting so good at this,
19 ladies and gentlemen. Do not discuss this case amongst
20 yourselves or with anyone else nor talk about any of
21 the testimony. Enjoy your break.

22 (A brief recess is taken from 2:34 p.m. to 2:52
23 p.m.)

24 MR. MULLER: Can we approach?

25 THE COURT: Sure.

1 (A discussion is held at sidebar off the
2 record.)

3 MR. McCORMACK: Tawana Poteat.

4
5 TAWANA POTEAT,
6 having been sworn, was examined and testified as
7 follows:

8
9 DIRECT EXAMINATION

10
11 BY MR. McCORMACK:

12 Q Ma'am, can you tell us your name?

13 A Tawana Poteat.

14 Q Could you spell your first name for us?

15 A T-A-W-A-N-A.

16 Q Could you spell your last name for us?

17 A P-O-T-E-A-T.

18 Q Tawana, back in 1996 did you know a woman by
19 the name of Iris?

20 A Yes, sir.

21 Q And how did you know Iris?

22 A We were friends.

23 Q How long had you been friends? Do you know
24 when Iris died, not necessarily the date?

25 A About a week or so before Christmas.

1 Q Prior to Iris's death, how long had you known
2 her?

3 A Probably five years; we were associates before
4 we became friends.

5 Q And how close friends did you become?

6 A Everyday friends.

7 Q Would you see each other every day?

8 A Yes.

9 Q Where would you see each other?

10 A Market Street and the malls.

11 Q And the malls?

12 A Yes.

13 Q Particularly on Market Street, what would you
14 be doing with Iris on Market Street?

15 A We sold drugs.

16 Q Who would be selling drugs?

17 A Basically everyone on Market Street except for
18 the ones, except the ones who were buying them.

19 Q Besides Iris and yourself, are there any other
20 people that you could name for us that you knew?

21 A Yes; Shavetta Maynard.

22 Q Anyone else?

23 A Wendy Harris.

24 Q Anyone else kind of in your little group?

25 A That was it that morning. You mean period?

1 Q I'm talking in general. I'm not inquiring
2 about any particular day right now. I'm not trying to
3 ask --

4 A Iris, myself, Shavetta Maynard, Wendy Harris,
5 several of us females that were out on Market. Some of
6 them weren't close to us but everybody knew everybody.

7 Q A bunch of the females were the ones out there
8 dealing drugs?

9 A And males, a lot of New Yorkers.

10 Q A lot of New Yorkers?

11 A Yes.

12 Q Did you know Cuzzo?

13 A Yes.

14 Q How did you know Cuzzo?

15 A I met him before Iris and I hung out. I met
16 him from the New York guys that were here first and I
17 met him through them.

18 Q Did you know any nicknames that he used? How
19 did you know him?

20 A I just known him as Cuzzo, and I was told his
21 name was Tyshaunt Love.

22 Q Did you know any of the New York boys, what
23 they would call him, if you recall?

24 A Nothing in particular; when we was drinking and
25 laughing in the bar I heard them call him like

1 Schoolboy or like -- like called him a nerd, said he
2 was a nerd.

3 Q You say you may have met him before you and
4 Iris really became friends?

5 A Yes.

6 Q And you said that you and Iris were kind of
7 associates before you even became close friends?

8 A Yes, sir.

9 Q Did you ever see Cuzzo hanging around Iris?

10 A Yes, all the time.

11 Q Where would you -- who would be around when
12 Cuzzo would be around Iris?

13 A Myself, the girls that I ran with, the New York
14 boys on Market Street. The bar we hung in was Fav's
15 bar. Everyone was in there, was regular patrons,
16 customers. It was like a Cheers, everybody knew
17 everybody.

18 Q And when you first saw Cuzzo and Iris, were
19 they boyfriend-girlfriend, dating or anything at the
20 time?

21 A We just started implying that they were
22 together because she was a little embarrassed to first
23 come forward and say they were together, and then she
24 started admitting that she was with him as boyfriend
25 and girlfriend.

1 Q And then did she have a nickname?

2 A I'm sorry. I didn't hear you.

3 Q Did Iris have a nickname?

4 A Blondie.

5 Q Do you know why she had that nickname?

6 A She died her hair blond, and it was the
7 brightest. That's how she set out.

8 Q If you can tell me a little bit about -- since
9 you said that you at the time along with Iris were
10 dealing drugs, was there a particular time you would be
11 out on the streets or times you would be out on the
12 streets? And let me start here, what drug were you and
13 Iris selling?

14 A In '96 myself and Iris was selling cocaine,
15 crack cocaine.

16 Q When you were out there with Iris and you
17 mentioned some of the other girls, were you kind of all
18 there doing it together or were you all doing it by
19 yourself or how did that work?

20 A We were as friends on the street looking out
21 for each other but our business was our own business.

22 Q And what times would -- what would be typical
23 times that you would be out dealing, I guess?

24 A For a good day it was best to be out there
25 between 5:00 in the early -- in the morning.

1 Q Okay. And how did you find this out?

2 A Well, we just started going as far as the users
3 of the drugs. The addicts, we work on their time. If
4 they are sleeping there's no need to be outside to be
5 chased. If they were outside we come outside with
6 them, and they usually can sleep 12 hours and then come
7 out at 5:00 in the morning. They sleep and come out
8 anywhere -- start at one and two in the morning. That
9 was easy for us. We would come out and catch whoever
10 was coming.

11 Q You come out at 5:00 in the morning. How late
12 would you stay out? How long would you stay out?

13 A Until about noon, until we go in and nap and
14 freshen up and start the day later.

15 Q What time would you start the day later?

16 A The next shift would be the people getting off
17 at 5:00. We would come back out at 5.

18 Q How about the spots? Let's say at five in the
19 morning, where would you go to go selling?

20 A The 14th Street playground off Market Street
21 behind Kentucky Fried Chicken. There was a trash can
22 there, was a wine alley on 14th Street that it was safe
23 to hide back there in bushes or someone would have a
24 car and we would go get something to eat.

25 Q Who would be your customers? What type of

1 people would be your customers? I know you mentioned
2 crack addicts. Anyone else other than like somebody
3 that is really strung out on crack?

4 MR. MULLER: I'm not sure what the relevance of
5 this is.

6 THE COURT: Help us out. How is this relevant?

7 MR. McCORMACK: As I indicated in opening, the
8 savviness of Iris's ability to make money and how that
9 related to the Defendant, how the Defendant may be
10 jealous of Iris making the money.

11 THE COURT: It's not really relevant who is
12 buying it.

13 MR. McCORMACK: As to savviness of whether it
14 would be crack addicts or just people passing through
15 town knowing where to go to get those people.

16 THE COURT: I don't want to belabor this.
17 Maybe I'm wrong. I don't think anyone is debating that
18 issue.

19 MR. McCORMACK: Okay.

20 THE COURT: I'll allow you leeway but the
21 objection is overruled for now. Let's get to the
22 point.

23 BY MR. McCORMACK:

24 Q Would there be other customers besides local
25 Harrisburg customers that you would be looking out for?

1 A It would be truck drivers. People, I mean, I
2 don't mean to be blunt, people that look like you and I
3 today. You never know who is doing what. You get
4 comfortable with an individual. They see that
5 individual, the same person, that they deal with. They
6 come looking for that person.

7 Q Who would be one of the best hustler of drugs
8 on the street in your little group?

9 A Females? I can only speak for females; Iris.

10 Q You've been talking about how your little group
11 of females, and Iris being part of that, was there a
12 time when Iris kind of moved away from being part of
13 the females?

14 A Yes.

15 Q Associated with someone else?

16 A Yes.

17 Q Who did she associate with?

18 A Cuzzo. Can I say Cuzzo? I'm not used to
19 saying Tyshaunt.

20 Q That's what you knew him as?

21 A Yes.

22 Q That's what you used?

23 A Cuzzo.

24 Q How did the relationship between you and Iris
25 and the rest of the girls change?

1 A We still spoke every day that we saw her. But
2 she started hustling -- at the time he was her man.
3 She started looking out for him. They became a team,
4 just him and her.

5 Q Was there anything that you would ever say to
6 him and her? Would there be any type of competition
7 between you?

8 A Yes.

9 Q Describe that.

10 A They come out the same time that we come out in
11 the mornings. Majority of the time they were already
12 outside. Back then it would make us -- dag, they beat
13 us to it. They would laugh. We would joke with him.
14 He would say something along the line, we ate them up.
15 We ate, me and my girl, bragging. But it was never
16 like, we weren't arguing with them. We knew we had to
17 get out there because Cuzzo was out there. That's just
18 how that went.

19 Q Do you know who was the better hustler of the
20 two of them between Iris and Cuzzo?

21 A Yes.

22 Q Who?

23 A Iris.

24 Q Could you describe Iris and Cuzzo's
25 relationship, what it was like, how they acted around

1 one another?

2 A In my opinion --

3 Q We can't hear your opinion.

4 A Okay. Well, what I seen and what I know as far
5 as them being around each other, he was always around
6 her. They came out together. They would sit in Fav's
7 bar together. If she had to leave off and make any
8 transactions, after a while he would get antsy, where
9 is she? come looking for her. I saw him down days
10 about her, upset about her. She got into it. He would
11 be sitting outside looking sad on the playground. Some
12 times I would make a comment, did you have a fight,
13 your glasses are broken and he would say --

14 Q Some days you would see him down?

15 A Yes.

16 Q When they were broken up?

17 A Yes.

18 Q Now, do you recall the last time that you saw
19 Iris?

20 A Yes, sir.

21 Q Where was the last time you saw Iris?

22 A In Fav's bar on 14th and Market.

23 Q In timewise, not necessarily the exact time but
24 timewise in relation to when she was found dead, how
25 soon before her death did you last see her?

1 A The night before, between 11:30 and 11:45 the
2 night before her murder.

3 Q I'm sorry. I didn't hear the time.

4 A Between 11:30 p.m. and 11:45 p.m. the night
5 before. However, it was before midnight.

6 Q Before midnight?

7 A Yes, sir, because -- yes, sir.

8 Q Where you saw her, where was that again?

9 A In Fav's bar.

10 Q Tell me what you saw and tell me what you saw
11 in Fav's bar.

12 A The last I seen her at the junk box putting in
13 coins playing music. She got my attention by saying
14 I'm getting ready to go. It threw me because it wasn't
15 midnight yet, and I said to her -- the B word -- you
16 leaving early? And she was like, yeah, this mother
17 fucker is getting on my nerves. I was like, oh. She
18 went to walk -- to go to the door. I was like 5:00 in
19 the morning that we'll meet up again, and he came and
20 walked up the ramp. There was a ramp in the bar. I
21 don't want -- he gave a pound. When I say pound, shit,
22 they hand a pound, man, saying he was going in and she
23 left out and that was the last time I saw her.

24 Q Now, when she walked out, where did she say she
25 was going?

1 A Home.

2 Q You say that he then came out behind her,
3 walked out behind her?

4 A She wasn't out the door yet. It's a ramp, like
5 that much space. She whispered to me what he was
6 saying. He was behind her coming up the ramp, a couple
7 of steps behind. I'm going in early already and that's
8 when she stated about M-F'er, getting on her nerves,
9 mouthing it with her teeth. I saw him coming up the
10 ramp.

11 Q Who was she referring to when she said the
12 person is getting on her nerves?

13 A Cuzzo.

14 Q That's the last time you saw her. Did you see
15 Cuzzo again at any time?

16 A Yes, sir, the next morning.

17 Q Do you recall when it was? When did you get up
18 the next morning?

19 A 5:00.

20 Q And what did you do when you got up at 5:00 the
21 next morning?

22 A I stayed the night at my cousin's in Hall
23 Manor. I paged Iris and Wendy, if you're going outside
24 it was that time.

25 Q Did you get a call back from Iris?

1 A No, sir.

2 Q Then did you go anywhere that morning?

3 A Yes. But we didn't make it out until about
4 close to 8:00 in the morning. We didn't get like our
5 normal 5:00 because after we had made a couple of pages
6 and caught a cab.

7 Q When you say we, who is we?

8 A I spent the night with my cousin, Shavetta
9 Maynard.

10 Q Where did you take the cab to?

11 A Well, first we stopped at Iris's house in the
12 alleyway, and we didn't get no answer. We went down
13 Market Street.

14 Q Tell me about stopping at Iris's house. What
15 did you do?

16 A Got out, knocked on the door; no one answered,
17 and it smelled like food so we started making jokes,
18 cursing, telling her to come out, and laughing, telling
19 the cab driver to beep the horn and we left.

20 Q Where did you go after you went out to Iris's?

21 A The cab dropped us off at Fav's bar on 14th and
22 Market.

23 Q And then what happened?

24 A The normal; we went in, got me a cranberry and
25 orange juice. They open up early. Came back out the

1 front of the bar. I saw a customer of mine across the
2 street on the other side of the street where Kentucky
3 Fried Chicken used to be at one time. I went across
4 the street to make a transaction and as I was crossing,
5 I mean, I saw Cuzzo and a guy coming around the corner,
6 and I heard my cousin, Shavetta, say, what's up Cuzzo?
7 I just glanced. I saw him out of the corner of my eye
8 when I was going across the street. I heard my cousin
9 say, what's up Cuzzo. I looked back. He said, what's
10 up? She said, where's Iris? He said, I thought she
11 was out here with you all.

12 Q He said I thought she was out here with you
13 all?

14 A Yes, sir.

15 Q And then what happened after he says that?

16 A I finished what I was doing across the street,
17 and he just walked on up the street towards the
18 playground with the man that he was with. That was
19 that.

20 Q Did any of you tell him that you had been over
21 at the house earlier, over at Iris's house earlier? Do
22 you recall that?

23 A I didn't. I don't remember if anyone else
24 said.

25 Q Tell me about him walking up to the playground.

1 A As I said, I was on the side of the Kentucky
2 Fried Chicken. Coming out of Fav's bar everything is
3 visible. You can see if you stand in the door, see
4 what I need to do. I just walked across the street. I
5 heard her ask where's Iris. He responded I thought she
6 was out here with you all. We started joking. I was,
7 like, you all making Thanksgiving and stuff, and my
8 cousin started ragging about we out here getting --
9 that's how he used to come off with us when they would
10 beat us outside. This time it wasn't nothing fun.
11 Initially he said he thought she was with us, and him
12 and the guy walked up the street and they were like
13 down in each other's hands and he kept on going and
14 that was that.

15 Q When you last saw Iris, do you recall if she
16 had a coat on or not?

17 A Yes, sir, yes, sir.

18 Q And you recall that she was or was not wearing
19 one?

20 A I recall she was wearing a coat.

21 Q And could you describe that coat for me, if you
22 recall?

23 A I don't know what they called the kind of coat,
24 just what I think it was a feather down or bomber with
25 like -- they had matching coats, but she had hers on.

1 I don't remember him having that on. But it was either
2 feather down or bomber. I know it had fur on the hood
3 and they had coats alike.

4 Q How did you find out that Iris was dead?

5 A Detective Duffin and Detective Carter.

6 Q They are the ones that told you?

7 A Yes, sir.

8 Q The person you have been referring to as Cuzzo,
9 is he present in the courtroom today?

10 A Yes, sir.

11 Q What's he wearing?

12 A He's wearing a white shirt with glasses,
13 writing with a blue ink pen.

14 MR. McCORMACK: May the record reflect she has
15 identified the Defendant.

16 THE COURT: Yes.

17 MR. McCORMACK: No further questions. Thank
18 you, Your Honor.

19 THE COURT: Cross-examine.

20

21 CROSS EXAMINATION

22

23 BY MR. MULLER:

24 Q Fav's was like Cheers except Norm and Cliff
25 would have been dealing crack cocaine?

1 A I'm sorry. You spoke too fast.

2 Q Fav's, everyone knew each other?

3 A Yes.

4 Q And it sounds from your testimony like a lot of
5 people were dealing drugs that went to Fav's?

6 A Yes, sir.

7 Q Okay. And back in '96 how long had you been
8 dealing drugs?

9 A '95, '96.

10 Q So about a year, year and a half?

11 A I don't want to say a year and a half, no.

12 Q And you had known Iris for a number of years?

13 A Yes, sir.

14 Q Did you start dealing drugs at the same time?

15 A I can't say that, sir. We were just friends.

16 I don't know when she started dealing.

17 Q You knew at some point she was dealing drugs?

18 A Yes, sir.

19 Q And when did that occur?

20 A When did I know or when was she dealing?

21 Q When did you know she was dealing?

22 A I don't know.

23 Q Most of 1996 is when she was dealing drugs?

24 A Yes, sir.

25 Q When you folks are dealing drugs, you're doing

1 it in the same areas?

2 A Yes, sir, for the most part, yes, sir.

3 Q And how long have you known Cuzzo, Mr. Love?

4 A Maybe a year prior to him and Iris getting
5 together.

6 Q And according to you when did they get
7 together?

8 A I don't know, sir.

9 Q Prior to December of '96 how long had they been
10 together?

11 A I don't know, sir.

12 Q Was Iris dealing drugs before she met Cuzzo,
13 Mr. Love?

14 A Yes, sir.

15 Q And you talked about dealing drugs in the same
16 areas but you weren't a team or anything like that,
17 right?

18 A No, sir.

19 Q You each did your own thing?

20 A Yes, sir.

21 Q So you found out about this, about Iris's
22 death, you indicated to Mr. McCormack, from Detective
23 Duffin and Carter?

24 A Yes, sir.

25 Q And when was that?

1 A That morning that -- I believe it was before
2 noon they came on Market Street.

3 Q How long after -- how long was it after you had
4 been to Iris's house that they came to see you?

5 A Several hours; I don't know exactly how long it
6 was, several hours. It was a lot going on that
7 morning.

8 Q Now, you said normally to get the sales you
9 would have to be out there by 5 a.m., right?

10 A Yes, sir, that was one of the times.

11 Q But that morning you weren't out at 5 a.m.,
12 were you?

13 A No, sir.

14 Q When did you get up?

15 A Anywhere around 8, 8:00 in the morning, close
16 to 8:00 I believe.

17 Q When did you meet up with Shavetta Maynard?

18 A We came out together. I spent the night with
19 her the night before.

20 Q Where was that?

21 A Hall Manor.

22 Q And where is Hall Manor in relation to 14th and
23 Market?

24 A Three dollar sixty cent cab ride.

25 Q Not really walking distance?

1 A No, sir; you can though.

2 Q Take a while?

3 A 15, 20 minutes.

4 Q You took a cab. Did you take a cab over to
5 McCleaster to Iris's apartment?

6 A Yes, sir.

7 Q And why were you going there?

8 A We were to meet up in the mornings 5:00. It
9 was Christmas season. So we was really coming out
10 extra early putting time in, extra early hours just for
11 company, her and Cuzzo.

12 Q This is around 8:00 according to you?

13 A That I came outside.

14 Q That you went to her apartment?

15 A Roundabout, sir, I believe.

16 Q Which door did you go to when you went to her
17 apartment?

18 A Whatever door that is that's in the alleyway.

19 Q Okay. The one that is on McCleaster?

20 A The one in the alleyway. I don't know where
21 McCleaster Street is.

22 Q Had you been inside her apartment before?

23 A No, sir.

24 Q You went there and you said you smelled
25 chicken?

1 A Yes, sir.

2 Q Did you knock at the door?

3 A Yes, sir.

4 Q More than once?

5 A I used my foot and kicked it.

6 Q So how long a time did you do that?

7 A Long enough to kickback and say, I know you're
8 in there. I don't know how many times that was.

9 Q You would have been making kind of a racket to
10 get her attention, right?

11 A Yes, sir.

12 Q What was Shavetta doing?

13 A Laughing.

14 Q Did you knock and kick at the door? Did you do
15 anything else?

16 A Well, we were making conversation, what they
17 were in there doing. That's it.

18 Q How long do you think you were there?

19 A Less than five minutes because the meter don't
20 stop, the meter was still running.

21 Q The cab was still there?

22 A Yes.

23 Q So you get back in the cab, right?

24 A Yes.

25 Q And where do you go?

1 A 14th and Market, Fav's bar.

2 Q How long did it take you to get there by cab?

3 A From the alleyway?

4 Q Yes.

5 A Give or take two, three minutes.

6 Q You would have gotten to 14th and Market some
7 time between 8 and 8:30?

8 A I don't know.

9 Q When you got to 14th and Market, what did you
10 do, Vetta do, do you get another cab? What do you do?

11 A Walk into Fav's bar, see who was there, got a
12 cranberry and orange juice.

13 Q You ordered that from a bartender when you
14 walked in?

15 A Yes.

16 Q And did you drink it in there?

17 A I started drinking it in there, but the door is
18 open to the bar and you can see the Kentucky Fried
19 Chicken parking lot very well by standing just in the
20 doorway of the bar.

21 Q You saw one of your customers?

22 A Yes, sir.

23 Q So from Fav's you walk out and across the
24 street to the Kentucky Fried Chicken?

25 A Yes, sir.

1 Q Did you see anyone else beside your customer?

2 A My cousin, Vetta Maynard was outside. I saw
3 Cuzzo coming around the corner with a black male.

4 Q What was the name?

5 A I don't know. I said a black male.

6 Q You still dealt with your customer, right?

7 A Yes, sir.

8 Q How long did that take?

9 A A second or two.

10 Q Exchange the drugs for money?

11 A Yes, sir.

12 Q After -- where's this playground that you were
13 referring to? If you're coming out of Fav's where is
14 the playground?

15 A Let me put Fav's in my mind so I can tell you
16 my direction. If I'm coming out of Fav's, I'm coming
17 this way -- (indicating) -- coming out of Fav's --
18 okay -- the playground if I'm coming out this way, the
19 playground is up the street but on the other side. The
20 playground be on the same side as the Kentucky Fried
21 Chicken.

22 Q The Kentucky Fried Chicken and playground are
23 across on Market Street from Fav's.

24 A Yes, sir.

25 Q And it's down there. Did you ever tell the

1 police that you and Vetta were walking around the
2 playground and walking around Fav's before you saw
3 Cuzzo?

4 A I don't recall.

5 Q Let me go back to Detective Duffin and Carter
6 finding you there. They found you at Fav's, right?

7 A Outside, yes.

8 Q At that point they told you what had happened
9 to Iris?

10 A Yes, sir.

11 Q At any time did you give them a statement back
12 in 1996?

13 A When you say a statement you mean a statement
14 pertaining to Iris?

15 Q Well, pertaining to what you just told us
16 today.

17 A No, sir. I don't recall giving them a
18 statement.

19 Q But you found out Iris was dead. You're saying
20 now that you saw Iris and Cuzzo leave the bar the night
21 before?

22 A Yes.

23 Q You didn't tell the police back in '96, '97,
24 did you?

25 A I don't believe I was questioned back then.

1 Q I'm not asking if you were questioned. I'm
2 asking if you told the police this information after
3 your best friend has been killed?

4 A I never said she was my best friend.

5 Q Your associate you've known for a number of
6 years and saw every day had just been killed, correct?

7 A Yes, sir.

8 Q The police come and tell you about that,
9 correct?

10 A Yes, sir.

11 Q You don't provide any information regarding
12 what you told us today back then, do you?

13 A No, sir, because at the time information was
14 being provided to us from the streets.

15 Q So you were finding out about what happened
16 through the rumor mill?

17 A By the time I spoke with them I believe Cuzzo
18 was already in custody.

19 Q When did you say you spoke to them, you mean,
20 Duffin and Carter?

21 A Yes, sir.

22 Q By noon that was already taken care of?

23 A I'm sorry. Say that again.

24 Q You think by noon; you indicated earlier that
25 Detectives Duffin and Carter came to notify you some

1 time before noon, right?

2 A Yes, sir.

3 Q And you believe at that point things had
4 already been taken care?

5 A I don't believe things were taken care of. I
6 just believe they already was aware what was going on
7 and what happened.

8 Q You gave -- you sat down and gave a statement
9 to the police in December of 2001. Do you remember
10 that?

11 A Yes, sir.

12 Q Five years later you sit down with the police
13 and you give them a statement, right?

14 A Yes, sir.

15 Q And how did that come about? How do you end up
16 going down and giving a statement on December 18, 2001?

17 A That I remember. I believe I was dumbfounded
18 that Cuzzo was released and I think --

19 Q Well --

20 A I went to the detectives. They didn't come
21 back to me.

22 Q You went to the -- December of 2001 you went to
23 them because you were dumbfounded that Cuzzo had been
24 released?

25 A More just wondering what happened, how I was

1 seeing on the streets and --

2 Q Let me ask you this, back in December of 2001
3 were you still dealing drugs?

4 A No, sir.

5 Q You weren't?

6 A No, sir.

7 Q When did you stop dealing drugs?

8 A November 18, 1998 when I caught a drug charge
9 and Judge Turgeon told me if she ever see me in the
10 courts again she was sending me up state.

11 Q In December of 2001 were you still on
12 probation?

13 A No, sir.

14 Q Parole?

15 A No, sir, I was never on parole. I had
16 probation of 12 months, no prison time either.

17 Q When you went and talked to the police in 2001,
18 do you recall talking about an argument that Iris and
19 Cuzzo got involved in?

20 A Yes, sir.

21 Q Involving her scratching him and breaking his
22 glasses?

23 A Yes, sir.

24 Q That's what you told the police. They got into
25 a fight and she scratched him and broke his glasses.

1 Does that sound accurate?

2 A Yes, sir.

3 Q Then they were back together?

4 A Yes, sir.

5 Q And you had mentioned to Mr. McCormack that
6 Cuzzo, Mr. Love, was always around Iris?

7 A Yes, sir.

8 Q So that would also mean Iris was always around
9 him, right?

10 A Yes, sir.

11 Q Now, back in 2001 you're telling the police
12 that you had seen them in the bar the night before Iris
13 died?

14 A Yes, sir.

15 Q Do you recall telling them then it was 11:15?

16 A I recall saying it was before 12, after 11 but
17 before 12, approximately 11:30, 11:45. I don't recall
18 saying 11:15.

19 Q Let me show you your statement. I'm going to
20 show you something to look through and identify it or
21 if you recognize it.

22 A What are you asking me to read?

23 Q I'm asking you to look at that and tell me if
24 you know what it is.

25 A Yeah, it was my statement.

1 Q Did you sign it on the last page?

2 A Yes, sir, that's my signature.

3 Q What's the date on this?

4 A December 18, 2001.

5 Q And on page 2, what does it say about the time?

6 A Can you run your finger across there again?

7 Q At some point you told them you looked at the
8 clock in Fav's and noticed what time it was?

9 A I didn't say the time.

10 Q You didn't?

11 A I said it was around. I looked at the clock.
12 It was around. I didn't say in between 11:30 --

13 Q You looked at the clock and saw the time. Who
14 walked out first? I guess I'm confused. Iris walked
15 out first?

16 A Yes, sir.

17 Q And Cuzzo walked out after she walked out?

18 A Yes, sir.

19 Q Now, was she already out the door? Was she
20 already out the door before he walked out?

21 A I was facing the junk box. I'm not sure.

22 Q You didn't see when he walked out?

23 A I saw him passing by. There was a couple of
24 guys gave a pound.

25 Q You say a pound like -- are you talking --

1 (indicating.)

2 A Yes.

3 Q You didn't see him walk out the door at that
4 time?

5 A Cuzzo?

6 Q Yes.

7 A No, sir. I just saw him walking behind her.
8 By the time I got done putting my coins in, him and her
9 were gone.

10 Q He gave you the peace sign and walked out the
11 door, a pound sign, whatever he signified, and said he
12 was going. You gave that statement back in 2001. You
13 told them that he asked if you had seen Iris when you
14 saw him at KFC?

15 A He actually didn't ask me. He asked Vetta.

16 Q You were there. You were standing there with
17 Shavetta?

18 A Not at the time; I was across the street making
19 a transaction.

20 Q You weren't there when he asked Shavetta
21 where's Iris, you were across the street?

22 A I was there when Vetta asked him. I did not
23 ask him. He said I thought she was with you all and I
24 don't know.

25 Q I'm going to show you page two of your

1 statement from 2001. He said I thought she was with
2 you and I don't know. I bracketed a small area if you
3 could read that. Who asked who what?

4 A Shavetta asks Cuzzo, have you seen Iris? Then
5 he told her I thought she was with you all.

6 Q I'm asking what you said back in 2001. That's
7 not what you said --

8 A Well, I joked and I laughed and I said I
9 thought she was with you having Thanksgiving. They
10 were together. We thought you all were in there
11 cooking Thanksgiving. That's what I said. That's what
12 I'm reading. I said, where's Iris?

13 Q He says, what's up, T? What's up, V? And
14 asked had we all seen Iris?

15 A Well, sir --

16 Q Right?

17 A Yes.

18 Q You joked with him. I think you referred to
19 about being out there in the morning.

20 A We joked about the smell, joked about the
21 Thanksgiving, we were out there.

22 Q When you guys were just together just a couple
23 of minutes --

24 A Who?

25 Q You, Shavetta and Cuzzo that morning.

1 A We seen him. We were not together. Yes, we
2 saw him.

3 Q You talked to him?

4 A After he spoke to me. I said hi after he spoke
5 to me.

6 Q I didn't catch that?

7 A I said hi after he spoke to me.

8 Q Then he walked up 14th Street?

9 A Yes, sir.

10 Q How do you know -- I don't think there's
11 anything in your statement about what Iris was wearing
12 that night. How do you know nine years later what she
13 was wearing?

14 A Am I to answer, sir?

15 Q I'll rephrase that. Back when you talk about
16 what Iris was wearing in 2001, you said just the white
17 coat that her and Cuzzo had alike, correct?

18 A I believe so.

19 Q Did you say back then what Cuzzo was wearing?
20 I'll rephrase it. Did you ever tell the police what
21 Cuzzo was wearing?

22 A I believe I described the coat that I believe
23 he had on.

24 MR. MULLER: The Court's indulgence.

25 BY MR. MULLER:

1 Q When you were there that morning at Fav's and
2 KFC, was Kentucky Fried Chicken open?

3 A I don't recall, sir.

4 Q The only time you saw Iris that night was that
5 brief period in the bar; is that correct?

6 A Earlier that day I saw her like here and there.
7 We wasn't hanging out that day or anything really,
8 spending time or talk. I just saw her here and there
9 in the area.

10 Q But that night --

11 A Yes, sir.

12 Q -- that brief period that you were in the bar?

13 A Yes, sir. Excuse me, sir. Can I answer your
14 questions about Kentucky Fried Chicken being open?

15 Q Okay.

16 A They were not open. That's why we went to
17 Fav's because they open up at 7:00 in the morning.

18 Q Who opens at 7:00 in the morning?

19 A Fav's bar.

20 Q What was your customer doing over at Kentucky
21 Fried Chicken?

22 A Me?

23 Q You said your customer was over at KFC.

24 A On that side of the street, he was in the
25 Kentucky Fried Chicken parking lot.

1 Q He was just hanging out?

2 A Looking for drugs.

3 Q One more thing, when Mr. McCormack talked to
4 you about dealing and successfully dealing the crack
5 cocaine. You said females had -- I don't know how you
6 phrased it -- a better chance or did better, correct?

7 A Dealing drugs?

8 Q Yes.

9 A Yes.

10 Q And I assume it was much easier for the females
11 to hang out and sell drugs to out-of-town truckers
12 coming through the city?

13 A No, sir.

14 Q It wasn't?

15 A No, it wasn't. It didn't make a difference
16 then. Out of towners they didn't know us from guys.

17 Q It seems from what you were saying females have
18 a better chance?

19 A I don't recall saying females having a better
20 chance with of town truckers, sir.

21 MR. MULLER: That's all I have.

22 THE COURT: Any redirect?

23 MR. McCORMACK: Yes, Your Honor.

24

25

REDIRECT EXAMINATION

BY MR. McCORMACK:

Q What time did you say Kentucky Fried Chicken opens?

A Around then, I believe 10:00.

MR. McCORMACK: Those are all the questions I have.

MR. MULLER: Nothing further.

THE COURT: Thank you. You may step down.

MR. McCORMACK: Wendy Harris.

WENDY HARRIS,

having been sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. McCORMACK:

Q Ma'am, could you please tell us your name?

A Wendy Harris.

Q And did you know a woman by the name of Iris Fennel?

A Yes.

Q How do you know Iris?

1 A From school; we were just friends.

2 Q How long had you known her?

3 A Probably about seven, ten years.

4 Q Your voice is kind of low.

5 A About seven to ten years.

6 Q Seven to ten years?

7 A Um-hum.

8 Q Were you -- what was Iris doing for a living at
9 the time frame when she died?

10 A What did she do for a living?

11 Q How was she making money?

12 A Selling drugs.

13 Q And do you recall the last time that you saw
14 Iris?

15 A Yes.

16 Q Where were you when you last saw Iris?

17 A We was at the bar on 14th and Market.

18 Q What was the bar called?

19 A Fav's.

20 Q And can you tell the jury what you recall about
21 your last time that you saw Iris?

22 A When I saw her she was leaving out the door.
23 She said she was on her way home. That was about it.
24 She was on her way home.

25 Q Did you see anybody else after that?

1 THE COURT: I'm sorry?

2 BY MR. McCORMACK:

3 Q Did you see anybody else after Iris left? Did
4 you run into anybody else?

5 A Yeah, I ran into her boyfriend.

6 Q What was her boyfriend's name?

7 A We called him Cuzzo.

8 Q Did you have any conversations with him?

9 A Yes. He asked did I see her. I told him I saw
10 her and she told me she was on her way home, and he
11 went to the pay phone and called her or he went to the
12 pay phone and she had -- she hadn't gotten there yet.

13 Q And then you say that's the last time you saw
14 Iris; is that correct?

15 A Yes.

16 Q Did you go looking for Iris at any point after
17 that?

18 A Yes, the next day.

19 Q Tell me about that.

20 A I went to her house and I knocked on the door.
21 I remember there was a speaker on her porch. We had a
22 conversation earlier that week. She told me her
23 speaker had burnt out and I had -- there was a smell in
24 the air so I assumed it was the speaker. So I knocked
25 on the door and I started to try the knob and I didn't.

1 I knocked two or three times. No one answered so I
2 left.

3 Q You said there was a smell in the air?

4 A Yes.

5 Q What did it smell like?

6 A Something burning.

7 Q How long do you think you stayed at the house
8 before you left?

9 A I would say about two minutes.

10 Q Did you ever hear about Iris having a gun in
11 the house?

12 A Yes.

13 Q Did she ever tell you where she kept the gun?

14 A I think somewhere in the kitchen.

15 Q Now, when you were -- after you were at Iris's
16 house, did you go anywhere else that day?

17 A Yes. I went down to Market Street. I rode
18 around probably around the bar there, Fav's. Then I
19 went to an apartment at 13th and Market. A friend of
20 ours lived there. I thought maybe she might have been
21 there. So I went in and I asked did they see her.
22 They said no.

23 Q You didn't see Iris, but did you see her
24 boyfriend at any point in time?

25 A Yes. As I walked to the window there -- there

1 was a big window. You could see Market Street. I saw
2 him standing in front of the Five and Ten right there
3 on Market Street.

4 Q Was he doing anything? Was he with anybody?

5 A No, he was just standing there by himself.

6 Q The person that you saw at the bar making the
7 call at the pay phone and the person you saw standing
8 on the street the next day that you've been referring
9 to as Cuzzo, is he present in the courtroom?

10 A Yes.

11 Q And can you point him out to me and tell me
12 what he's wearing?

13 A He's there on the left in the white shirt.

14 MR. McCORMACK: May the record reflect she has
15 identified the Defendant.

16 THE COURT: Yes.

17 MR. McCORMACK: At this time they are all the
18 questions I have, Your Honor.

19 THE COURT: Cross.

20 MR. GIUNTA: Thank you, Your Honor.

21

22 CROSS EXAMINATION

23

24 BY MR. GIUNTA:

25 Q Ms. Harris, you indicated while you were at

1 Fav's on the night --

2 A Um-hum.

3 Q -- on the night that Iris had approached you
4 and indicated that she was leaving the bar, correct?

5 A Yes.

6 Q Do you recall what time that was?

7 A Maybe around 11 or 12.

8 Q When you indicated you saw Tyshaunt come out,
9 what time was that?

10 A I don't recall exactly what time. It might
11 have been a couple of minutes, maybe about 30 or 45
12 minutes later after she had left.

13 Q When he went to the pay phone to make the call?

14 A Yes.

15 Q So Tyshaunt did not leave with Iris?

16 A No.

17 Q And that evening -- let me rephrase that. The
18 next morning you went by Iris's house, correct?

19 A Yes.

20 Q Do you recall what time that was?

21 A Around 11 a.m.

22 Q You indicated there was a speaker on the front
23 porch?

24 A Yes.

25 Q While you were there you smelled something

1 burning?

2 A Yes.

3 Q You really didn't pay any mind to it. You
4 thought it was the speaker, correct?

5 A Yes.

6 Q You waited at the house for about two minutes?

7 A Um-hum.

8 Q Give or take?

9 A Um-hum.

10 Q Then you traveled towards Market Street?

11 A Yes.

12 Q Towards your friend's apartment?

13 A Yes.

14 Q And you just testified that was around 11:00?

15 A 11:00 when I got to her house?

16 Q Yes.

17 THE COURT: When you got to Iris's house.

18 THE WITNESS: Yes, 11:00.

19 BY MR. GIUNTA:

20 Q And while you were there that's when you
21 indicated you looked out the window and you saw
22 Mr. Love out by the Five and Ten store, correct?

23 A Yes. I drove down to Market Street, 13th and
24 Market.

25 Q You didn't see anybody else with him?

1 A No.

2 Q He was by himself?

3 A Um-hum.

4 Q Mr. McCormack asked if you were aware of Iris
5 having a gun.

6 A Yes.

7 Q And she did have a gun, correct?

8 A Yes. I didn't see it but I heard things.

9 Q And are you aware, did Iris ever indicate to
10 you why she had the gun?

11 MR. McCORMACK: Objection, Your Honor.

12 MR. GIUNTA: Well, Your Honor, I believe it
13 goes to --

14 THE COURT: Don't you have to lay a foundation
15 how she could come across -- sustained.

16 MR. GIUNTA: I'll move on.

17 MR. MULLER: The Court's indulgence.

18 BY MR. GIUNTA:

19 Q Ms. Harris, did Iris indicate to you why she
20 had a gun or tell you why?

21 A There was a time some, I guess -- I think it
22 was guys trying to rob her, something like that. That
23 was like protection.

24 MR. GIUNTA: Your Honor, may I approach?

25 THE COURT: Yes.

1 BY MR. GIUNTA:

2 Q I want you to take a look at this and tell
3 me -- you can read -- don't read through it. Just
4 glance through the pages and tell me if you recognize
5 what that is.

6 A Um-hum.

7 Q And what is that?

8 A A statement.

9 Q And is your signature on the last page of this
10 statement?

11 A Yes.

12 Q And did you -- can you tell us what day you
13 gave that statement?

14 A 12/21/96.

15 Q Now, I want to focus your attention, if you
16 would read, not out loud just to yourself in between
17 those two?

18 A Okay.

19 Q Now, are you aware of the reason for the gun?
20 Could you tell us why she had the gun based on your
21 statement?

22 A I stated that she had Kazar and Candi living at
23 her house, just in case he would disrespect her.

24 Q When you say he, you're referring to Kazar?

25 A Yes.

1 Q You mentioned in case he tried to disrespect
2 her. That was in case she tried to defend herself?

3 A Yes.

4 Q Just that morning when you were looking through
5 the window you didn't see anybody else with Tyshaunt?

6 A No.

7 Q In front of the Five and Ten?

8 A No.

9 Q Are you aware of or do you know Shavetta
10 Maynard?

11 A Yes.

12 Q And do you know Tawana Poteat?

13 A Yes.

14 Q Where do you know them from?

15 A From the outside, around the bar there.

16 Q And that morning did you see them outside?

17 A Yes.

18 Q Where did you see them?

19 A At the bar.

20 Q At Fav's?

21 A Um-hum.

22 Q Was that inside or outside of the bar?

23 A Probably inside.

24 Q And do you recall what time that was?

25 A It had to have been maybe between 12 and 12:30,

1 a little later.

2 Q That's after you went to Iris's house?

3 A Yeah.

4 MR. GIUNTA: No further questions.

5 THE COURT: Any redirect?

6

7 REDIRECT EXAMINATION

8

9 BY MR. McCORMACK:

10 Q Do you recall Mr. Giunta asked you to look at
11 one part of the statement from 1996? Do you recall
12 what was immediately after that statement, what portion
13 that he asked you about her having a gun just in case
14 Kazar tried to disrespect her. Was there anything else
15 that you said later on in that statement.

16 THE COURT: About?

17 MR. McCORMACK: About why she had the gun.

18 THE WITNESS: Not that I can recall.

19 BY MR. McCORMACK:

20 Q If I showed you your statement would that
21 refresh your recollection?

22 A Yes.

23 Q You look at it. I would ask you to look at the
24 next question in the statement there. Just read it to
25 yourself.

1 A Yes.

2 Q What was another reason why she had a gun?

3 A She told me one night some guys robbed her and
4 they took everything she had and she stated that she
5 wouldn't let it happen again.

6 MR. McCORMACK: No further questions.

7 MR. GIUNTA: Nothing further, Your Honor.

8 THE COURT: Thank you. You may step down. Can
9 I see counsel real quick at sidebar?

10 (A discussion is held at sidebar off the
11 record.)

12 THE COURT: Ladies and gentlemen, scheduling
13 being, as I said, somewhat difficult to arrange, we're
14 at a point we need to address legal matters that are
15 pending and I have a couple of matters of my own that I
16 need to deal with. You're going to get an early break
17 today; because we anticipate some of our discussions
18 may run into the morning so we'll let you sleep in, but
19 be back here so that we can start up at 9:30 as opposed
20 to 8:30. That's the good news.

21 Put your notebooks in your envelopes and we'll
22 collect them. The bad news, to the extent it's not
23 really bad news, I think I should tell you as I
24 projected, it's unlikely we'll get through all of the
25 witnesses' testimony and closing arguments, etc., by

1 the end of the day tomorrow, which means if you have
2 arrangements to make or should notify folks your jury
3 duty will run into next week, you should do that
4 because that appears to be likely.

5 Now, go home and enjoy your evening. Don't
6 talk about the case with anyone or amongst yourselves.
7 We'll see you tomorrow morning about 9:30.

8 Counsel, I'll see you in chambers.

9 (The jury exited the courtroom at 4:03 p.m.)
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CERTIFICATE

I hereby certify that the proceedings
and evidence are contained fully and accurately in the
notes taken by me on the hearing of the above cause,
and that this is a correct transcript of the same.


Joanne M. Kohn
Official Court Reporter

The foregoing record of the proceedings
of the above cause is hereby approved and directed to
be filed.

Date

Bruce F. Bratton, Judge